

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Timothy Harold Hoffman)	In reply, refer to:
Phoenix, Arizona)	NAL/Acct. 615HF0001
)	
Liability for Forfeiture)	

FURTHER NOTICE OF APPARENT LIABILITY

Adopted: August 30, 1996

Released: September 3, 1996

By the Chief, Compliance Division, Compliance and Information Bureau:

I. INTRODUCTION

1. This is a Further Notice of Apparent Liability for monetary forfeiture issued pursuant to Section 503(b) of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 503(b), to Timothy Harold Hoffman for the willful violation of Section 301, 303(n), and 333 of the Communications Act, 47 U. S. C. §§ 301, 303 (n), 333 and Sections 15.29, 95.413(a)(4), 95.413(a)(6) and 95.426(a) of the Commission's rules, 47 C.F.R. §§ 15.29, 95.413 (a)(4), 95.413(a)(6), 95.426(a). The violation resulted from Timothy Harold Hoffman's operation of a radio transmitter on amateur radio service frequencies without a valid license, failure to allow inspection of the radio station by authorized FCC personnel, willful and malicious interference to radio communications of licensed stations and operation on CB channel 36, 27.365 MHz, to transmit one-way communications and material to amuse or entertain.
2. The appropriate amount of forfeiture for this violation is \$6,000.

II. BACKGROUND

3. On May 14, 1995, agents from the Douglas Field Office of the FCC's Compliance and Information Bureau (CIB), using mobile direction finding techniques, detected radio signals on citizens band channel 36, 27.365 MHz J3E (lower sideband), coming from an antenna located at 911 West Highland Avenue, Phoenix, Arizona. The transmissions consisted of retransmitted signals from an amateur radio service repeater on 147.24 Mhz. These were signals received by Mr. Hoffman, who then used radio transmitting equipment to re-broadcast the material received. The Commission's agents observed the following violations from 8:05PM to 8:50PM MST, and from 8:55PM to 9:15PM MST: transmissions of one-way communications, which are prohibited

by 47 C.F.R. 95.413(a)(4), and transmission of material to amuse or entertain which is prohibited by 47 C.F.R. 95.413(a)(6).

4. On May 15 1995 agents from the Douglas Field Office, using mobile direction techniques, detected radio signals being transmitted on 146.34 MHz, coming from an antenna located at 911 West Highland Avenue, Phoenix, Arizona. The operator making the transmission used the amateur radio service call sign N7ZZT. In this connection, the agents checked FCC records and found that this amateur radio service call sign was not issued to Mr. Hoffman, and no amateur license has ever been granted to Mr. Hoffman. Transmissions were observed at 7:44 PM and 8:21 PM MST. At 8:21 PM MST, after positive direction finding results indicating the transmissions were being emitted from Mr. Hoffman's residence, the FCC agents attempted to inspect the radio station at 911 West Highland Avenue. The adult male that came to the door admitted to being Timothy Hoffman and did not allow the agents to inspect the radio installation. Mr. Hoffman would not confirm or deny the radio operation when asked by the FCC inspectors. Further transmissions from the residence ceased immediately after the attempted inspection.

III. DISCUSSION

5. On June 26, 1995, an Official Notice of Violation (NOV) was issued by the Douglas Field Office to Timothy Harold Hoffman. The NOV advised Mr. Hoffman of the following violations:

<u>Rule Violated</u>	<u>Description</u>
47 U.S.C. § 301	Transmitting on Amateur Radio Service frequencies without a valid operator or station authorization.
47 U.S.C. § 333	Willfully and maliciously interfering with radio communications of licensed Amateur Radio Service stations.
47 U.S.C. § 303(n) and 47 C.F.R. § 15.29 and 47 C.F.R. § 95.426(a)	Failure to allow station inspection by FCC personnel.

The Douglas Field Office received a response to the NOV from Mr. Hoffman on July 5, 1995, in which he admitted he was responsible for the violations.

6. The NOV issued by the Douglas Field Office met all of the statutory requirements for a Notice of Apparent Liability set forth in Section 503(b)(4) of the Communications Act, 47 U.S.C. §503(b)(4). Specifically, the NOV identified each provision of the Communications Act and the Commission's rules violated by Timothy Harold Hoffman, the facts upon which the charge for the violations were made, and the dates on which the conduct occurred. We are issuing this further notice to notify Mr. Hoffman the amount of monetary forfeiture imposed for the violations at issue. Based on a review of the facts and in light of the factors outlined in Section 503(b) of the Act, we believe the appropriate amount for this violation is \$6,000.

IV. ORDERING CLAUSES

7. Accordingly, **IT IS ORDERED**, pursuant to Section 503(b) of the Communications Act, 47 U.S.C. § 503(b), and Section 1.80 of the Commission's Rules, 47 C.F.R. § 1.80, that Timothy Harold Hoffman **IS APPARENTLY LIABLE FOR MONETARY FORFEITURE** in the amount of \$6000 for willful and repeated violations of the above rules. The amount specified was determined after consideration of the factors set forth in Section 503(b) of the Communications Act.

8. **IT IS FURTHER ORDERED**, pursuant to Sections 1.80(f)(3) and (h) of the Commission's Rules, 47 C.F.R. §§ 1.80(f)(3) and (h), that Timothy Harold Hoffman must pay the monetary forfeiture amount of \$6,000 within thirty (30) days of the date of release of this order or file a written response showing why the forfeiture should be reduced or not imposed. Any written response must include a detailed factual statement and supporting documentation.¹ Forfeitures shall be paid by check, money order or credit card drawn on a United States financial institution payable to the Federal Communications Commission.² Please place NAL/Acct. on the remittance and mail it to:

Federal Communications Commission
P. O. Box 73482
Chicago, IL 60673-7482

¹ Claims of inability to pay should be supported by tax returns or other financial statements prepared in accordance with generally accepted accounting principles for the most recent three years.

²Requests for installment plans should be mailed to: Chief, Billings and Collections, Mail Stop A, 1919 M Street, N.W., Washington, D.C. 20554. Payment of the forfeiture in installments may be considered as a separate matter in accordance with Section 1.1914 of the Commission's Rules. Payments may also be made by credit card. Contact Chief, Billings and Collections for additional information.

Send written responses regarding why the forfeiture should be reduced or not imposed to:

Federal Communications Commission
Legal Services Group, Compliance Division, CIB
Attention: Mail Stop Code 1500-E/PDH
1919 M Street, N.W.
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION

Magalie R. Salas
Acting Chief, Compliance Division
Compliance and Information Bureau